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### PROPOSALS TO UPDATE WISCONSIN'S SHORELAND MANAGEMENT PROGRAM NR115 ADVISORY COMMITTEE PRELIMINARY RECOMMENDATIONS for Public Listening Sessions November – December 2003

After a year of work, by a dedicated Advisory Committee with over 25 members, preliminary proposals to update the more than 30-year-old Shoreland Management Program in Wisconsin have been drafted. Wisconsin's Shoreland Management Program, found in Chapter NR115 of Wisconsin Administrative Code, contains statewide minimum standards for shoreland development that are designed to protect water quality, fish and wildlife habitat and scenic beauty along navigable lakes and rivers.

The goal posed to the Advisory Committee was to protect public rights in navigable waters while allowing property owners to make reasonable use of their properties. This revision effort has been spurred by a continuing waterfront building boom, new research about how such development affects water quality and fish and wildlife habitat, and growing complaints about the existing standards from property owners and local governments.

As in the past, each county in the state with unincorporated areas will continue to administer and enforce a county shoreland zoning ordinance that meets or exceeds the statewide minimum standards in Chapter NR115. Because a statewide administrative code cannot tailor make provisions to protect all resources equally, counties will continue to have the authority to create more protective standards that are better suited to local resource needs.

This document summarizes the Advisory Committee preferences and recommendations. In some cases, not all of the preferences of the advisory committee are listed in this document. To focus the efforts to update the program, some options were not included or were combined. For more detailed information on the advisory committee meetings and to review all the options presented and developed by the advisory committee, please refer to: [www.dnr.state.wi.us/org/water/wm/dsfm/shore/news.htm](http://www.dnr.state.wi.us/org/water/wm/dsfm/shore/news.htm) or contact Toni Herkert at 608-266-0161.

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## I. SHORELAND BUFFERS

**CURRENT LAW:** In the strip of land 35 feet wide inland from OHWM, no more than 30 feet in any 100 feet shall be clear-cut. In shoreland areas more than 35 feet inland, trees and shrub cutting shall be governed by consideration of the effect on water quality and sound forestry and soil conservation practices. These regulations do not apply to the removal of dead, diseased or dying trees or shrubs.

**PROPOSAL: Primary Buffer.** A buffer of native shoreland vegetation, parallel to the OHWM, and extending inland from the OHWM. Within the primary buffer, the following provisions apply:

- One viewing and access corridor (VAC) to the water allowed for each property.
- Vegetation removal prohibited, except for control of exotic or invasive species, removal of diseased vegetation, removal of trees or shrubs severely damaged by high winds, or because of an imminent safety hazard.
- Any vegetation removal requires replacement with native vegetation except for selective removal in VAC.

**Secondary Buffer.** A vegetated buffer extending inland from the primary buffer to the minimum OHWM setback line. Within the secondary buffer, the following provisions apply:

- Maintenance of a vegetated buffer required. Turf, groundcovers, or native ground layer vegetation would qualify as a vegetated buffer.
- Removal of trees and shrubs allowed.

### Buffer Depth:

#### Proposal A

50-foot primary buffer + 25 foot secondary buffer =  
75-foot OHWM setback

#### Proposal B

35-foot primary buffer + 40 foot secondary buffer =  
75-foot OHWM setback

**Viewing Access Corridor (VAC).** A corridor extending through the primary buffer, connecting the secondary buffer to the waterfront. Within the VAC, the following provisions apply:

- Maintenance of vegetation required. Turf, groundcovers, or native ground layer vegetation would qualify.
- Removal of trees and shrubs allowed if the VAC is not naturally occurring.

### Size of VAC for Single-Family and Duplex Residential Properties:

#### Proposal A

VAC = 30% of water frontage, not to exceed 30 feet wide

#### Proposal B

VAC = 30% of water frontage, not to exceed 50 feet wide

## II. ORDINARY HIGH WATER MARK (OHWM) SETBACKS

**CURRENT LAW:** All structures except piers, boat hoists, and boathouses shall be setback 75 feet from the ordinary high water mark (OHWM) of navigable waters.

**PROPOSAL:** A setback of 75 feet from the OHWM of navigable waters shall be required for all buildings and other structures, except piers and boat hoists, and structures that are necessary to allow reasonable accommodations for the residences of handicapped or disabled persons.

The following structures may be permitted in the shoreland setback area:

- Stairways, walkways and mechanical lifts that do exceed specified size limits when required on steep, rocky, unstable or wet sites.
- Small structures that are easily moved by hand, such as picnic tables, lawn chairs, bird baths and canoes, that are moved out of the shoreland setback area for the winter.

- Open fences.

Note: Open-sided structures, such as decks, patios, and gazebos, allowed under s. 59.692 (1v), Wis. Stats., will continue to be allowed and the statutory provisions allowing such structures are not affected by any changes to Ch. NR115, Wis. Admin. Code.

**Boathouse Options:**

**Proposal A**

Boathouses must be set back 75 feet from the OHWM.

**Proposal B**

Boathouses may be permitted in shoreland setback area (within 75 feet of the OHWM).

**DEFINITIONS**

“**Structure**” means any man-made object with form, shape and utility, that is constructed or otherwise erected, attached to or permanently or temporarily placed, either upon the ground, river bed, streambed or lakebed. For the purposes of this chapter, the term “structure” does not include: vegetation including landscaping or gardens; earthwork including footpaths, grading, filling, ditches, berms, terraces or retaining walls; stormwater management devices; or erosion control devices. [modification of NR116.03(45)]

“**Shoreland Setback Area**” means an area in a shoreland that is within a certain distance of the ordinary high-water mark in which the construction or placement of buildings or structures has been limited or prohibited under an ordinance enacted under this section. [s. 59.692, Wis. Stats.]

**III. NONCONFORMING STRUCTURES**

**CURRENT LAW:** The alteration of, addition to, or structural repair of nonconforming structures may be limited to 50% of the equalized assessed value of the nonconforming structure over the life of the structure.

**PROPOSAL:** Allow counties to replace the “50% rule” with other nonconforming structure provisions. Unlimited ordinary maintenance and repairs are allowed on principal and accessory structures, including the limited repair and replacement of existing structural components.

Nonconforming principal structures located within the secondary buffer may be expanded. Vertical and landward expansion is preferred. If expansion on the landward side is not possible, the county may permit limited expansion based on site characteristics and consideration of the purposes of the shoreland management program and local shoreland zoning ordinance.

Nonconforming principal structures located within the primary buffer may not be expanded.

Nonconforming accessory structures may not be expanded.

When a permit is issued for the structural alteration or expansion of a nonconforming structure, the primary buffer must be preserved or restored and additional mitigation may be required by the permitting authority.

Patios and decks are allowed within the shoreland setback area if the structure meets the requirements of s. 59.692 (1v), Wis. Stats.

Structures undergoing major reconstruction must be relocated to a compliant building location, if available on the lot (see Section VI).

Construction may occur on nonconforming lots that were recorded before the county shoreland zoning ordinance first took effect if all setbacks and other standards can be met (see Section VI).

**Minimum Size to be Eligible for Expansion:**

**Proposal A**

To expand, the principal structure must be at least 750 square feet or meet the minimum housing size area required by the county in general zoning.

**Proposal B**

There is no minimum size required for a principal structure to be expanded.

**Total Size of Structure:**

**Proposal A**

Additions to a principal structure in the secondary buffer shall not expand the structure beyond a habitable living area of 1,500 square feet.

**Proposal B**

Additions to a principal structure in the secondary buffer shall not enlarge the footprint of the structure beyond 1,500 square feet and the habitable living area shall not exceed 2,500 square feet.

**Structures in More than One Buffer Zone:**

**Proposal A**

When a structure straddles zones, the structure will be subject to the more restrictive provisions.

**Proposal B**

When a structure straddles zones, the regulations of the zone where the modification is proposed shall prevail.

**DEFINITIONS**

“**Nonconforming Structure**” means a structure whose dimensions, location or other physical characteristics do not conform to the standards of the current zoning ordinance.

“**Structural Components**” means the supporting elements of a structure. Supporting elements include, but are not limited to the framework of the exterior walls, the roof of a building, rafters, joists, posts, columns, beams, girders and the foundation.

“**Ordinary Maintenance and Repair**” means anything less than major reconstruction and includes both structural and non-structural repairs.

“**Footprint**” means that portion of a lot covered by a building or structure at the surface level, measured on a horizontal plane, not including the area occupied by patios, decks or overhangs.

“**Habitable Living Area**” means the floor area of those portions of a building that can be used for human habitation, regardless of whether or not the area is actually used for human habitation at a particular time. The term "habitable living area" does not include garages, but may include basement areas or portions of garages that are suitable for use as living space or house egress under Comm 21.03(6), Wis. Admin. Code.

“**Major Reconstruction**” means

**Proposal A**

Reconstruction or replacement of 25% or more of the structural components of a building or 50% or more of the linear perimeter of the structure.

**Proposal B**

The removal and replacement of all, or virtually all, of the structural components of a structure with the exception of the foundation.

**IV. MINIMUM LOT SIZE - SINGLE FAMILY HOMES, DUPLEXES AND COMMERCIAL DEVELOPMENT**

**CURRENT LAW:** Lots served by public sanitary sewers shall have a minimum average lot width of 65 feet and a minimum area of 10,000 square feet.

Lots not served by public sanitary sewers shall have a minimum average lot width of 100 feet and a minimum area of 20,000 square feet.

**PROPOSAL:**

**Minimum Size for New Lots:**

**Proposal A**

All lots shall have a minimum area of 20,000 square feet and a minimum lot width of 100 feet.

**Proposal B**

Lots served by public sanitary sewers shall have a minimum area of 10,000 square feet and a minimum lot width of 65 feet.

Lots not served by public sanitary sewers shall have a minimum area of 20,000 square feet and a minimum lot width of 100 feet.

Note: Proposal B is similar to current law. The only change is in how the minimum lot width is calculated. Current law is the average minimum lot width and proposal B states minimum lot width without the word average. Counties will have the flexibility to determine how the minimum lot width shall be measured.

**Minimum Buildable Area:**

**Proposal A**

At the time of platting or subdivision, lots shall have at least 5,000 square feet of land that is not wetland or floodway.

**Proposal B**

No buildable area limit.

**Note:** Construction may occur on nonconforming lots subject to the provisions of Section VII.

**V. MINIMUM LOT SIZE - MULTIPLE FAMILY DEVELOPMENTS, HOTELS, MOTELS AND RESORTS**

**CURRENT LAW:** Current law has been interpreted by the Department to mean that multiple family developments must meet the same lot size requirements for each unit as for single family residential development. Sites where manufactured homes or other permanent structures such as park model mobile homes that are no longer transportable are also subject to the same density standards as single family homes.

**PROPOSAL:** Multiple family developments and resorts must meet the minimum lot size requirement for each building plus an additional 7,500 square feet of land and 50 feet of frontage for each additional dwelling unit within the building.

Hotels and motels must meet the minimum lot size for each hotel and/or motel building plus an additional 2,000 square feet of land and 10 feet of frontage for each additional unit within the building.

Viewing Access Corridors (VACs), at the discretion of the property owner, may be created either as a single VAC or as multiple VACs, but in no instance shall the total width of the VACs exceed 30% of the frontage of the lot.

**DEFINITIONS**

**“Dwelling Unit”** means a structure, or that part of a structure, which is used or intended to be used as a home, residence or sleeping place by one person or by 2 or more persons maintaining a common household, to the exclusion of all others. [Comm 20.07(27)].

**“Multiple Family Development”** means any building that contains 3 or more dwelling units.

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**VI. LOT SIZE REDUCTION FOR CONSERVATION DEVELOPMENT**

**CURRENT LAW:** There are no provisions for lot size reductions for conservation development in the current rule.

**PROPOSAL:** Conservation subdivisions, multiple family developments and resorts that are a contiguous parcel and dedicate a portion of the property in a permanent conservation area are encouraged through reduced lot size requirements, in order to more adequately protect the natural resource features of a shoreland property.

In order to qualify for reduced lot sizes:

- The conservation development (subdivision, multiple family or resort) must be a contiguous parcel and permanently dedicate at least 40% of the parcel as a conservation area.
- Area within primary buffer and secondary buffer or any wetland or floodway areas on the property cannot be included in the conservation area calculation.
- Permitted uses in the conservation areas are limited to open space activities that promote, enhance, preserve and/or restore the natural resource values of the area.

If a conservation development qualifies for a reduced lot size:

- Conservation subdivisions may reduce the minimum lot size and frontage for single family and duplex residential development to 10,000 square feet of land and 50 feet of frontage for each dwelling unit for waterfront lots and 7,500 square feet of land for non-waterfront lots.
- Multiple family developments and resorts must meet the minimum lot size requirements for each building plus an additional 3,000 square feet of land and 20 feet of frontage for each additional dwelling unit within the building.

Note: The lot size reduction proposals are based on a 20,000 square foot lot size, the proposals may be modified if a different lot size is selected in the final rule.

**DEFINITIONS**

**“Conservation Area”** means a primarily contiguous portion of a lot, combination of lots or a subdivision that is restricted by a permanent conservation easement that complies with the requirements in s. 700.40, Wis. Stats.

**“Conservation Subdivision”** means a housing development in a rural setting that is characterized by compact lots and common open space, and where the natural features of the land are maintained to the greatest extent possible. (DOA)

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## VII. OHWM SETBACK REDUCTIONS AND NONCONFORMING LOT PROVISIONS

**CURRENT LAW:** 1) Unless an existing pattern of development exists, a setback of 75 feet from the OHWM of an adjacent body of water shall be required for all buildings and other structures. 2) There are no provisions regarding the development of nonconforming lots in the current rule.

**PROPOSAL:** Construction may occur if all setbacks and other applicable standards can be met, even if the lot is substandard in size, provided that the lot was a legal lot of record at the time that the original county shoreland zoning ordinance took effect, and provided that the lot is in separate ownership from abutting lands.

If a substandard-sized lot and abutting lands have the same owners, the nonconforming lot may not be sold or developed separate from the abutting land unless the parcel is re-divided into lots that comply with current minimum lot size requirements.

If a compliant building location is not available on a legal lot of record (conforming or nonconforming), the setbacks may be reduced to create a building envelope subject to the following provisions and one or more of the approaches outlined below:

- The only structures allowed within the building envelope are a residence, garage and structures meeting the requirements of s. 59.692(1v), Wis. Stats.
- Structures shall not be larger than limits placed on the expansion of nonconforming structures.
- The primary buffer must be preserved or restored and additional mitigation may be required.

### OPTIONS FOR A STEPPED APPROACH:

Note: While it is proposed here as a tiered approach, there may only be a single method or two methods in the final proposal, based on comments from listening sessions.

**Step 1: Setback Averaging Approach:** To create a compliant building location, the OHWM setback may be averaged to the OHWM setbacks of the two adjacent principal structures. The two adjacent principal structures must be within 100 feet on both sides of the proposed building site and built at less than the required OHWM setback. The OHWM setback may not be reduced to less than the primary buffer.

**Step 2: Setback Formula Approach:** If a compliant building location is not available, a 30-foot deep building envelope may be created by first reducing the roadway setback as much as allowed by its governing body and then reducing the OHWM setback up to the primary buffer.

**Step 3: Equity Approach:** If a compliant building location is not available, the lot may be developed subject to the following conditions:

- A public sanitary sewer or a decentralized septic system serves the lot, or the lot can meet on-site private sewage system standards [s. 59.70(5), Wis. Stats].
- The setbacks for structures on the lot shall be determined on a case-by-case basis. First, the roadway setback shall be reduced as much as allowed by its governing body. Then the ordinary high water mark (OHWM) setback may be reduced. The setbacks may be reduced until a building envelope 30 feet deep is created. However, the OHWM setback shall not be reduced beyond 40% of the depth of the lot.
- The square footage of the structures on the lot may not exceed 1,500 square feet. For each 1-foot decrease in the OHWM setback less than the primary buffer depth, the maximum square footage allowed for structures on the lot shall be reduced 50 square feet. All levels of the structures count towards the cap on square feet, including basement areas and portions of garages that are suitable for use as living space or house egress under Comm 21.03(6), Wis. Admin. Code.
- The primary buffer must be restored or preserved. However, a 15-foot wide envelope of only turf is allowed around structures.
- Best management practices (BMPs) must be implemented and maintained that are designed to control post-construction runoff. BMPs may be placed in primary buffer if no other location is suitable.



- All structures must either use buildings materials that are consistent with the Lower Wisconsin Riverway Standard Colorization Chart or native vegetation must be planted to screen all structures as viewed from the water.

## VIII. FILLING, GRADING, LAGOONING, DREDGING, DITCHING AND EXCAVATING

**CURRENT LAW:** Filling, grading, lagooning, dredging, ditching and excavating may be permitted only in accordance with the provisions of shoreland-wetland zoning, the requirements of ch. 30, Stats., and other state and federal laws where applicable, and only if done in a manner designed to minimize erosion, sedimentation and impairment of fish and wildlife habitat.

**PROPOSAL:** Filling, grading, lagooning, dredging, ditching and excavating may be permitted only in accordance with the provisions of shoreland-wetland zoning, the requirements of ch. 30, Stats., and other state and federal laws where applicable, and only if done in a manner designed to minimize erosion, sedimentation and impairment of fish and wildlife habitat (*no change to current law*).

**Retaining Walls.** Retaining walls may be permitted within the shoreland setback area if necessary to control on-going erosion that other nonstructural methods cannot address, and if the primary buffer is preserved or restored.

## IX. IMPERVIOUS SURFACE PROVISIONS

**CURRENT LAW:** There are no provisions to regulate impervious surfaces in the current rule.

### **PROPOSAL:**

#### **Impervious Surface Provisions:**

##### **Proposal A**

Impervious surfaces within shorelands may not exceed 2,500 square feet or 20% of the lot area, whichever is less, unless the property owner implements best management practices (BMPs) designed to control post-construction runoff.

##### **Proposal B**

No limit on impervious surfaces.

NOTE: BMP's are being designed to implement the Nonpoint rules.

### **DEFINITIONS**

**"Impervious surface"** is defined in s. NR 151.002 (17) to mean "any paved or structural surface that limits or impedes infiltration or causes additional runoff. Such surfaces include, but are not limited to buildings, structures, decks, patios, walkways, driveways and parking areas."

**"Shorelands"** means the area within the following distances from the ordinary high-water mark of navigable waters, as defined under s. 281.31 (2) (d):

1. One thousand feet from a lake, pond or flowage. If the navigable water is a glacial pothole lake, this distance shall be measured from the high-water mark of the lake.
2. Three hundred feet from a river or stream or to the landward side of the floodplain, whichever distance is greater.



## X. MITIGATION PROVISIONS

**CURRENT LAW:** There are no provisions for mitigation in the current rule

**PROPOSAL:** When mitigation is triggered it shall require, at a minimum, the preservation or restoration of the primary buffer and may include additional mitigation measures as required by the permitting authority.

Mitigation measures shall be roughly proportional to the magnitude of the impacts of the proposed project on navigable waters and the shoreland area and may incorporate credits for maintaining existing practices.

### DEFINITIONS

“**Mitigation**” means actions taken to minimize adverse impacts of development.

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## XI. AGRICULTURE

**CURRENT LAW:** There are no specific provisions in the current rule that would address agriculture as a different use within the shoreland zone.

**PROPOSAL: Buffers.** Land used for non-structural agricultural practices is exempt from NR115 buffer standards. The agriculture sub-chapter will be silent on the implementation and maintenance of agricultural buffers because standards for agricultural buffers will be developed as part of the process to revise NR151. Aquaculture ponds, if declared navigable, and horticulture facilities would not be exempt from NR115 buffer management standards because NR151 does not apply to them.

Under state statutes, the land adjacent to farm drainage ditches with no previous stream history is exempt from county shoreland zoning regulation if the land adjacent to the farm drainage ditch is maintained in non-structural agricultural use. If land adjacent to a farm drainage ditch is not exempt from county shoreland zoning regulation, the removal of trees and shrubs in the primary buffer area along the farm drainage ditch may be permitted if the maintenance work is conducted consistent with the requirements of Chapter 88, Wis. Stats., and if the vegetation removal is limited to the minimum amount necessary to maintain the farm drainage ditch.

**Setbacks and Nonconforming Structures.** Open fences are allowed within the shoreland setback area if constructed consistent with standards in Chapters 30 and 90, Wis. Stats. Solid fences that are proposed to provide privacy, that are decorative or will serve other purposes, will be regulated like any other structures, and must be set back at least 75 feet from the ordinary high water mark.

The construction of new residences, and the repair and expansion of existing residences, on agricultural lands will be regulated in the same manner as other residences.

The construction of a new agricultural facility or expansion or repair of an existing agricultural facility within the shoreland setback area is allowed if all of the following criteria are satisfied.

- For New Agricultural Facilities:
  - 1) a goal of the new structure is to improve water quality to comply with (a) a required conservation plan, (b) agricultural nonpoint performance standards, or (c) a plan approved by the county Land Conservation Department or the DNR;
  - 2) an alternative site is not economically viable (greater than 115% of cost of structure) or is not available that will meet the water quality goals; and
  - 3) mitigation practices are implemented, including the restoration or preservation of a vegetative buffer, if possible.
- For Existing Agricultural Facilities:
  - 1) the expansion occurs landward of the structure and does not result in a degradation of water quality;

- 2) an alternative site is not economically viable (greater than 115% of cost of structure) or is not available; and
- 3) mitigation practices are implemented, including the restoration or preservation of a vegetative buffer, if possible.

**Mitigation** shall require:

- 1) conformance with agricultural nonpoint rules related to action requiring mitigation, and
- 2) preservation or restoration of a vegetative buffer in the area related to action requiring mitigation.

### **DEFINITIONS**

**“Agricultural Facility”** means a structure associated with an agricultural practice. [s. 281.16(1)(a), Wis. Stats.]

Note: The term "agricultural facility" does not include a residence located on a farm. Residences on agricultural lands will be regulated in the same manner as other residences.

**“Agricultural Practice”** means beekeeping; commercial feedlots; dairying; egg production; floriculture; fish or fur farming; grazing; livestock raising; orchards; poultry raising; raising of grain, grass, mint and seed crops; raising of fruits, nuts and berries; sod farming; placing land in federal programs in return for payments in kind; owning land, at least 35 acres of which is enrolled in the conservation reserve program under 16 USC 3831 to 3836; and vegetable raising. (s. 281.16(1)(b), Wis. Stats.)

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## **XII. FORESTRY**

**CURRENT LAW:** There are no specific provisions in the current rule that would address forestry as a different use within the shoreland zone.

### **PROPOSAL:**

#### **Forest Management Activities:**

Forest management activities are exempt from NR115 buffer standards if Wisconsin’s voluntary “Wisconsin’s Forestry Best Management Practices for Water Quality” (PUB FR-093 2003) are applied.

#### **Special Areas Management Activities:**

Special area management activities are exempt from NR115 buffer standards if consistent with a department approved management plan and the plan is referenced or filed with the county as specified in the ordinance, or if consistent with a management plan developed by a professional natural resource manager and the plan is filed with the county as specified in the ordinance.

### **DEFINITIONS**

**"Forest Management Activities"** means actions taken to establish, maintain or enhance forest land including, but not limited to, planting trees, thinning and trimming trees, and harvesting timber and other forest products.

**"Forest Land"** means any area on which trees exist, standing or fallen, alive or dead, that are primarily grown because they are valuable for forest products, watershed or wildlife protection or non-residential recreational uses in contrast to areas where shade or ornamental trees are grown primarily because they are valuable for landscape, aesthetic, agricultural or similar purposes.

Note: A parcel of land need not be designated as managed forest land under ss. 77.80 to 77.91, Stats., or be enrolled in any other forest management program to be considered "forest land."

“**Special Area Management Activities**” means actions taken to establish, maintain or enhance native plant communities or fish or wildlife habitat including, but not limited to, forest management activities, prairie restoration, wetland restoration and removal of exotic species.

### XIII. RECREATIONAL AREAS INCLUDING CAMPGROUNDS, PUBLIC ACCESS SITES AND MARINAS

**CURRENT LAW:** There are no specific provisions in the current rule that would address recreational areas as different uses within the shoreland zone.

**PROPOSAL: Campgrounds.** Campgrounds must meet the standards in Ch. HFS 178 and the following provisions if located in shorelands:

- **Buffers** – Campgrounds must meet the same buffer standards as single family development.
  - Viewing Access Corridors (VACs), at the discretion of the property owner, may be created either as a single VAC or as multiple VACs, but in no instance shall the total width of the VACs exceed 30% of the frontage of the lot.
- **OHWB Setbacks** – Camping units and all structures shall meet the OHWB setback.
- **Minimum Lot Size** – New or expanding campgrounds (including time-share or condominium-owned campgrounds) must have a minimum lot size of 5 acres and 200 feet of frontage for the first 10 camping sites and an additional 3,000 square feet of minimum lot size and 20 feet of frontage for each additional site.
- **Impervious Surface Provisions** – Impervious surfaces within shorelands may not exceed 2,500 square feet or 20% of the lot area, whichever is less, unless the property owner implements best management practices (BMPs) designed to control post-construction runoff.
- **Mitigation** – Expansion of nonconforming structures in campgrounds must meet the general nonconforming provisions and the primary buffer must be preserved or restored and additional mitigation may be required.

**Limits on Camping Unit stays:**

**Proposal A**

Camping units are limited to a maximum 30 day stay

**Proposal B**

Camping units are limited to a maximum 90 day stay

**Proposal C**

Camping units are limited to a maximum 180 day stay

**Proposal D**

No limits on maximum stays

**Public Access Sites.** Public access sites must meet all state and federal ADA standards and the following provisions:

- **Buffers** – Public access sites must meet the same buffer standards as single family development.
  - Viewing Access Corridors (VACs), at the discretion of the property owner, may be created either as a single VAC or as multiple VACs, but in no instance shall the total width of the VACs exceed 30% of the frontage of the lot.
- **OHWB Setbacks** – Structures shall meet the OHWB setback, except for:
  - Boat ramps
  - Piers
  - Locational signs that need to be visible from the water
  - One multi-purpose sign with a maximum size of 16 square feet, two sided, and the overall structure size being the minimum necessary to support, shelter and protect the sign. The sign shall be constructed of visually unobtrusive, non-reflective materials or painted/stained to blend in with the natural surroundings, and screened from the waterway with native vegetation.
  - Parking areas if other locations are not feasible
- **Minimum Lot Size** – Public access sites must meet the same lot size standards as a single family development.

- Impervious Surface Provisions – Impervious surfaces within shorelands may not exceed 2,500 square feet or 20% of the lot area, whichever is less, unless the property owner implements best management practices (BMPs) designed to control post-construction runoff.
- Mitigation – Expansion of nonconforming structures in public access sites must meet the general nonconforming provisions and the primary buffer must be preserved or restored and additional mitigation may be required.

**Marinas.** Marinas must meet the following provisions:

- Buffers – Marinas must meet the same buffer standards as single family development.
  - Viewing Access Corridors (VACs), at the discretion of the property owner, may be created either as a single VAC or as multiple VACs, but in no instance shall the total width of the VACs exceed 30% of the frontage of the lot.
- OHWM Setbacks – Structures must meet OHWM setbacks, except for:
  - Boat ramps
  - Piers
  - Boat hoists
  - Marine fuel pumps that meet Department of Commerce standards (Note that a combination of rigid piping and flexible hose may be used to supply fuel pumps located in the setback area or on piers subject to Dept. of Commerce standards)
- Minimum Lot Size – Marinas must meet the same lot size standards as a single family development.
- Impervious Surface Provisions – Impervious surfaces within shorelands may not exceed 2,500 square feet or 20% of the lot area, whichever is less, unless the property owner implements best management practices (BMPs) designed to control post-construction runoff.
- Mitigation – Expansion of nonconforming structures in marinas must meet the general nonconforming provisions and the primary buffer must be preserved or restored and additional mitigation may be required.

#### **DEFINITIONS**

**“Campground”** means any parcel of land which is designed, maintained, intended or used for the purpose of providing sites for non-permanent overnight use by 4 or more camping units, or which is advertised or represented as a camping area. (NR 116.03)

**“Camping Unit”** means any portable device, no more than 400 square feet in area, used as a temporary shelter, including but not limited to a camping trailer, motor home, bus, van, pick-up truck or tent. [NR 116.03 and HFS 178.03(4)].

**“Access Site”** means an area of land providing public boat access or carry in access which provides parking for vehicles with or without a trailer. (NR 1.91(2))

## **XIV. SANITARY REGULATIONS**

**CURRENT LAW:** Each county shall adopt sanitary regulations for the protection of health and the preservation and enhancement of water quality. (a) Where public water supply systems are not available, private well construction shall be required to conform to ch. NR 812. (b) Where a public sewage collection and treatment system is not available, design and construction of private sewage disposal systems shall, prior to July 1, 1980, be required to comply with ch. Comm 83, and after June 30, 1980, be governed by a private sewage system ordinance adopted by the county under s. 59.70 (5), Stats.

**PROPOSAL:** It is no longer necessary for ch. NR 115 to require sanitary regulations in county shoreland zoning ordinances now that a property owner who wants to install a private sewage system is required to apply for a sanitary permit, and comply with ch. Comm 83, Wisconsin Administrative code, and other administrative rules and statutes that are potentially applicable.